

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

CODY BOONE, Personal Representative  
for the Estate of James Kenneth Boone,  
deceased,

Plaintiff,

-vs-

OTTAWA COUNTY CENTRAL DISPATCH  
AUTHORITY, a Michigan governmental  
agency, NICOLE JEAN WENTWORTH,  
KATHERINE LEE COENEN, TRACY JO  
OOMEN, PAULA SUE HOOKER,  
RYAN A. CULVER, MEAGAN ANN ROSS,  
and MARY C. ALLMAN, individually and  
in their official capacity,

Defendants.

USDC Case No: 1:23cv15

Ottawa Circuit Case No: 22-7089-NO  
Honorable Karen J. Miedema

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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN**

TO: United States District Court Judges of the Western District of Michigan

NOW COMES defendant, Nichole Jean Wentworth, by and through her attorneys  
Plunkett Cooney, and pursuant to 28 U.S.C. § 1441(a) and § 1446, file this Notice of Removal  
based on the following:

1. On or about November 29, 2022, plaintiff filed a complaint, adding Nichole Wentworth as a defendant and is now pending in the Ottawa County Circuit Court, State of Michigan, a certain civil action, assigned case number 22-7089-NO in which Estate of James Kenneth Boone, deceased, by Cody Boone, Personal Representative is the plaintiff; Ottawa County Central Dispatch Authority, Katherine Lee Coenen, Tracy Jo Oomen, Paula Sue Hooker, Ryan A. Culver, Keagan Ann Ross, and Mary C. Allman are named co-defendants, and Nichole Wentworth is a named defendant.

2. The action, as alleged in the Complaint, is a suit brought under the statutes and Constitution of the United States and the statutes and Constitution of the State of Michigan. Specifically, the plaintiff alleges a violation of U.S. Const. amend. XIV, § 2, infringement on the right to Substantive Due Process.

3. The action filed by plaintiff is one which the District Courts of the United States would have original jurisdiction under 28 U.S.C. § 1331 as a civil action arising under the Constitution of the United States.

4. This Notice of Removal is timely filed within thirty days after Nichole Wentworth was served with the Summons and Complaint, via certified mail.

5. Attached to this Notice of Removal is a copy of the Summons and Complaint stating the causes of action and claims for relief by the plaintiff against the defendants.

6. A written notice of this Notice of Removal has been given to all parties as required by law and a Proof of Service is attached.

7. A written notice of this Notice of Removal has been filed with the Clerk of the Ottawa County Circuit Court, State of Michigan as required by law.

8. Undersigned counsel contacted law firm of Kerr Russell, the firm that will be representing defendants Ottawa County Central Dispatch Authority, Katherine Lee Coenen, Tracy Jo Oomen, Paula Sue Hooker, Ryan A. Culver, Keagan Ann Ross, and Mary C. Allman, to determine if removal would be opposed. Counsel for co-defendants stated they concurred in removal.

WHEREFORE, the defendants request they be allowed to affect removal of this matter from the Ottawa County Circuit Court, State of Michigan, to the United States District Court for the Western District of Michigan.

Respectfully submitted,

DATED: January 5, 2023

PLUNKETT COONEY

BY: /s/ Charles L. Bogren  
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Attorneys for Defendant Wentworth

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